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DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE PREVENTION
BUSINESS COMPLIANCE DIVISION
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108

PROPOSED
AMENDMENTS TO
REGULATIONS 310 CMR 7.00
FOR THE CONTROL OF AIR POLLUTION
IN THE

BERKSHIRE AIR POLLUTION CONTROL DISTRICT
PIONEER VALLEY AIR POLLUTION CONTROL DISTRICT
MERRIMACK VALLEY AIR POLLUTION CONTROL DISTRICT
METROPOLITAN BOSTON AIR POLLUTION CONTROL DISTRICT
CENTRAL MASSACHUSETTS AIR POLLUTION CONTROL DISTRICT
SOUTHEASTERN MASSACHUSETTS AIR POLLUTION CONTROL DISTRICT

STATUTORY AUTHORITY
M.G.L. c. 111, Sections 142A through 142N

Date: FEBRUARY 2004

This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171. TDD Service - 1-800-298-2207.

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PROPOSED AMENDMENTS TO 310 CMR 7.00

Additions are shown with underline. Deletions are shown in ~~Strikeout~~.

[] Amend 310 CMR 7.00 Massachusetts Cities and Towns.

<u>F</u>		
<u>Fairhaven</u>	<u>SE</u>	<u>SM</u>
Fall River	SE	SM

[] Delete the following definitions in their entirety in 310 CMR 7.00 DEFINITIONS.

~~CERTIFICATE OF INSPECTION~~
~~CERTIFICATE OF REJECTION~~
~~CERTIFICATE OF WAIVER~~
~~CERTIFIED EMISSIONS INSPECTOR~~
~~CERTIFIED INSPECTION STATION~~
~~EMISSION ANALYZER~~
~~EMISSION INSPECTION CERTIFICATE~~
~~EMISSIONS CHALLENGE CERTIFICATE~~
~~EMISSIONS RELATED PART~~
~~REFEREE STATION~~
~~TEMPORARY MAINTENANCE FORM~~

[] Reposition the definition of WOOD FUEL to be included as a subcategory of FUEL, relocated to follow the definition of USED OIL FUEL.

[] Amend the following definitions in 310 CMR 7.00 DEFINITIONS.

ACTUAL EMISSIONS means the rate that an emission unit or facility discharges air contaminants into the ambient air. This can be calculated on a daily, weekly, monthly, ozone season, 12-month rolling, calendar year basis or other time period as determined by the requirements of ~~a plan approval or the applicable~~ regulation(s). Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period including the efficiency of pollution control equipment, if present.

ASBESTOS means all asbestiform varieties of the mineral family called silicates including: serpentinite (chrysotile), riebeckite (crocidolite), ~~cummingtonite-grunerite (amosite)~~, ~~cummingtonite-grunerite (amosite)~~, ~~tremolite-actinolite~~ anthophyllite, and actinolite-tremolite.

ASBESTOS-CONTAINING MATERIAL means friable asbestos and any material containing 1% or more asbestos by ~~area-area weight as determined by a laboratory using USEPA approved methods~~. This term includes, but is not limited to, sprayed-on and troweled-on materials applied to ceilings, walls, ~~and ceilings, walls,~~ and other surfaces, insulation on pipes, boilers, tanks, ducts, and other equipment, structural ~~members and non-structural members~~, tiles, shingles or asbestos-containing paper.

AUTOMOTIVE REFINISHING FACILITY means any facility at which the interior or exterior bodies of automobiles, motorcycles, ~~light/medium-duty~~ trucks, ~~mobile equipment~~ or vans are ~~re-~~ painted. ~~This definition includes refinishing operations that travel to various locations, that refinish new vehicles damaged in transit before their initial sale, and that refinish aftermarket vehicles. Refinishing of aftermarket vehicles and new vehicles damaged in transit before their initial sale, are included under this definition.~~

CAPTURE EFFICIENCY means the ability of a building, enclosure or system to capture air contaminants within the building, enclosure or system before the air contaminants are directed to an air pollution control device. Capture efficiency is determined in accordance with EPA Reference Test Method Number 204, as specified in 40 CFR Part 51 Appendix M, or by other methods approved by the Department and EPA.

COOLING TOWER as used in 310 CMR 7.02(2)(~~bg~~)6 means,

FACILITY means any installation or establishment and associated equipment, located on the same, adjacent or contiguous property, capable of emissions; ~~and except that~~ for purposes of 310 CMR 7.15, ~~it~~ means any ~~institutional, commercial, or industrial~~ structure, ~~or~~ installation, ~~building, equipment, located on the same or contiguous property or ship, or residential building including single family homes.~~

FACILITY COMPONENT means any part of a facility, including, but not limited to, any equipment, pipe, duct, boiler, tank, turbine, furnace, ~~and or~~ structural ~~member~~ or non-structural member located at the facility.

HALOGENATED ORGANIC COMPOUND is any compound of carbon (excluding metallic carbides or carbonates and ammonium carbonate) combined with a halogen. For purposes of 310 CMR 7.12 and 310 CMR 7.18, inclusive, halogenated organic compounds (HOC) are the following specific chemicals: methylene chloride, perchloroethylene (tetrachloroethylene), CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), FC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoro-ethane), and CFC-115 (chloropentafluoroethane).

MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY means the standard established by ~~the~~ EPA Administrator pursuant to §§ 112 and 129 of the ~~Clean Air~~ Act, as amended, (42 U.S.C. §7412 and §7429), that represents the maximum degree of reduction in emissions of hazardous air pollutants determined, after examination of economics, health, and environmental impacts, to be achievable for new or existing sources in the category or sub-category to which the emission standard applies. ~~MACT Standards are published in 40 CFR, Parts 60, 63 and 65. MACT standards may be determined by the Department pursuant to 40 CFR 63 Subpart B.~~

NONATTAINMENT AREA means an area classified by the EPA as not meeting or exceeding the National Ambient Air Quality Standard for a criteria pollutant published at 40 CFR Part 81. The current Massachusetts attainment status is published at 40 CFR 81.322, Subpart C - Section 107 Attainment Status Designations. A.B. On November 6, 1991, the Administrator published the attainment classification for the state (56FR56694) as follows:

—Attainment status:

Ozone—Nonattainment classified serious statewide.

Carbon monoxide—The following cities and towns are Nonattainment classified moderate: Boston, Cambridge, Chelsea, Everett, Malden, Medford, Quincy, Revere and Somerville. The following cities and towns are attainment, not classified: Lowell, Springfield, Waltham and Worcester. The rest of state is either attainment or unclassified.

PM-10—Unclassified statewide

SO₂—Statewide attainment

NO₂—Statewide attainment

Lead—Statewide attainment

POTENTIAL EMISSIONS or POTENTIAL TO EMIT means the maximum capacity of a facility or a stationary source to emit any air contaminant or pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or stationary source to emit any air contaminant or pollutant, including air pollution control equipment and/or restrictions on hours of operation, or on the type or amount of material combusted, stored or processed, shall be treated as part of the design only if the limitation is specifically stated in the facility's or stationary source's plan approval(s), emission control plan(s), operating permit, certification(s), restricted emission status, notification(s) and applicable regulations, or in the case of *de minimis* sources, in records established and maintained at the facility or stationary source pursuant to 310 CMR 7.02(2)(b)(e). Fugitive emissions, to the extent quantifiable, are included in determining the potential emissions or the potential to emit of a facility or stationary source; secondary emissions are not included.

STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINE means any reciprocating internal combustion engine. ~~that is not self-propelled~~ It does not include an engine that is regulated by EPA as a non-road engine pursuant to 42 U.S.C. §7543(e) and §7547 or is self-propelled.

[] Add the following definitions to 310 CMR 7.00 DEFINITIONS.

ADHESION PROMOTER means a coating designed to facilitate the bonding of a primer or topcoat on surfaces such as trim moldings, door locks, and door sills, where sanding is impracticable, and on plastic parts and the edges of sanded areas.

AQUEOUS CLEANER means a cleaning fluid or device using a cleaning fluid that is composed of soap and/or other water-soluble materials in a water solution.

ELASTOMERIC COATING means a coating that is designed for application over flexible parts, such as elastomeric bumpers.

IMPACT-RESISTANT COATING means a coating designed to resist chipping caused by road debris.

MALFUNCTION means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a

normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

MOBILE EQUIPMENT means, for the purposes of 310 CMR 7.18(28), any equipment that is physically capable of being driven or drawn upon a highway including but not limited to construction vehicles (such as mobile cranes, bulldozers and concrete mixers); farming equipment (such as tractors and plows); hauling equipment (such as truck trailers, utility bodies and camper shells) and miscellaneous equipment (such as street sweepers and golf carts).

MULTI-COLORED TOPCOAT means a topcoat that exhibits more than one color, is packaged in a single container, and camouflages surface defects on areas of heavy use, such as cargo beds and other surfaces of trucks and other utility vehicles.

SOAP means cleansing agents made of the alkali metal salts of fatty acids having from ten to eighteen carbon atoms.

STENCIL COATING means an ink or pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols, or numbers to motor vehicles, or their parts or components.

TOUCH-UP COATING means a coating applied by brush, ~~air-brush~~airbrush, or non-refillable aerosol can of no more than eight (8) ounces to cover minor surface damage and imperfections.

UNDERBODY COATING means a coating designed for protection and sound deadening that is typically applied to the wheel wells and underbody of an automobile.

UNIFORM FINISH BLENDER means a coating designed to blend a repaired topcoat into an existing topcoat.

VOC COMPOSITE PARTIAL PRESSURE means the sum of the partial pressures of the compounds defined as VOC.

WATER HOLD-OUT COATING means a coating applied to the interior cavity areas of doors, quarter panels, and rocker panels for the purpose of corrosion resistance to prolonged water exposure.

WELD-THROUGH PRIMER means a primer that is applied to an area before welding is performed, and that provides corrosion resistance to the surface after welding has been performed.

[] Amend 310 CMR 7.01

7.01: General Regulations to Prevent Air Pollution

(1) ...

(2) ... (a) ...

(b) ...

(c) ...

d) Change in Ownership Any person owning, operating or leasing a facility for which a notification or certification submitted to the Department is in effect, or a plan approval, emission control plan, operating permit, certification, restricted emission status or any other approval issued by the Department is in effect, shall provide a written notification to the Department containing a specific date for transfer of responsibility, coverage, and liability between the current and new owner, operator or lessor.

(3) Any person subject to 310 CMR 7.00, choosing to submit a notification, certification or, restricted emission status application; or required to obtain a plan approval, emission control plan, operating permit; or any other approval issued by the Department, shall comply with the terms and conditions contained therein.

[] Amend 310 CMR 7.02(1)(b)

7.02 U Plan Approval and Emission Limitations

(1) Purpose and Applicability

(a) Purpose. The purpose of 310 CMR 7.02 is to provide procedures and standards for the issuance of approvals in the Commonwealth of Massachusetts, and establish emission ~~limitations~~ standards and/or restrictions for a facility or emission unit.

(b) 1. Plan Approvals to Construct, Substantially Reconstruct or Alter. A plan approval is required prior to any construction, substantial reconstruction, alteration, or subsequent operation of a facility that may emit contaminants to the ambient air. The plan approval requirement of 310 CMR 7.02 is applicable to facilities constructed, reconstructed or altered after July 1, 1970 in the Metropolitan Boston Air Pollution Control District and after September 15, 1970 in all other districts. Exemptions to this requirement are provided in 310 CMR 7.02(2).

2. Presumptive Plan Approvals. A plan approval required by 310 CMR 7.02(4) Limited Plan Application (LPA) shall be deemed granted unless, within sixty (60) days of the Department's receipt of an application and payment of the permit application fee whichever occurs later, the Department notifies the applicant of a deficiency or denies the LPA in writing, both in accordance with 310 CMR 4.10, or notifies the applicant in writing that a written approval is required.

[] Delete 310 CMR 7.02(1) Table 1

~~Plan approvals are briefly described in Table 1. The information provided here is a summary only. For the full text of applicability and restrictions under each plan approval type, please see the applicable section, which controls.~~

Table 1

Plan Approval Type	Where approval is sought for:	Reference
Limit Plan Application (LPA)	1. Facility or emission unit with the potential to emit greater than 1 ton per year and less than 5 tons per year.	310 CMR 7.02(4)
	2. Fuel utilization emission units (evaluated individually)	
	10,000,000 – 40,000,000 Btu/hr energy input burning natural gas or propane.	
	10,000,000 – 30,000,000 Btu/hr energy input burning distillate oil	
	10,000,000 – 20,000,000 Btu/hr energy input burning 0.5% sulfur residual oil.	
	5,000,000 – 10,000,000 Btu/hr energy input burning 1 % sulfur residual oil	
	3,000,000 – 10,000,000 Btu/hr energy input burning used oil fuel	
	3. Changes that contradict an existing plan approval, with a potential emission increase less than 5 tons per year	
Comprehensive Plan Application (CPA)	1. Facility or emission unit with the potential to emit greater than or equal to 5 tons per year.	310 CMR 7.02(5)
	2. Fuel utilization emission units (evaluated individually)	
	greater than 40,000,000 Btu/hr energy input burning natural gas or propane.	
	greater than 30,000,000 Btu/hr energy input burning distillate oil.	
	greater than 20,000,000 Btu/hr energy input burning 0.5% sulfur residual oil	
	greater than 10,000,000 Btu/hr energy input burning 1 % sulfur residual oil.	
	greater than 10,000,000 Btu/hr energy input burning used oil fuel.	
	greater than 3,000,000 Btu/hr energy input burning residual oil with a sulfur content greater than 1%, hazardous waste fuel, solid fuel (automatic feed), landfill gas or digester gas.	
	3. Combustion turbines or reciprocating engines greater than 3,000,000 Btu/hr energy input.	
	4. Hand fired solid fuel units greater than 10,000,000 Btu/hr energy input.	
	5. Any incinerator	
	6. Any action or new major facility subject to federal Prevention of Significant Deterioration (PSD) or Nonattainment Review.	
	7. Changes that contradict an existing plan approval, with a potential emission increase of 5 tons per year or more.	
	8. Any facility where the sum of <i>deminimis</i> unapproved equipment installations equals or exceeds 5 tons per year.	
	9. Any facility where construction, substantial reconstruction or alteration may contradict a condition of a plan approval, PSD permit or Nonattainment Review plan approval.	

10. Any facility that the Department determines has the potential to cause or contribute to a condition of air pollution.

[] Delete 310 CMR 7.02(1)(c) and mark [RESERVED]

(e) Restricting or Capping Potential Emissions

Approvals for the purpose of restricting federal potential emissions for equipment are briefly described in Table 2. The information provided here is a summary only. For the full text of applicability and restrictions for each approval type, please see the appropriate section.

Table 2		
Plan Approval Type	Purpose	Reference
Restricted Emission Status (RES)	Approval to establish a federally enforceable cap on emissions, without which the facility would be subject to Reasonably Available Control Technology (RACT), Operating Permit Requirements, Maximum Achievable Control Technology (MACT) or higher annual compliance fees.	310 CMR 7.02(9)
Modifications of Restricted Emission Status Approval	Modification of a previously approved RES	310 CMR 7.02(10)
Emission Cap Notification	Alternative approach to establish an enforceable cap on emissions.	310 CMR 7.02 (11)

[] Amend 310 CMR 7.02(2) by reorganizing the subparagraphs and amending (b)(7), (15), (29), (32) and (c).

(2) Exemptions from Plan Approval.

(a) Exclusions from Exemptions. The exemptions listed under 310 CMR 7.02(2)(b)(g) are not available if construction, substantial reconstruction, or alteration of an otherwise exempt emission unit or facility would contravene an existing plan approval; or cause increases in aggregate emissions above thresholds defined by 310 CMR 7.02(6); or are specifically included in 310 CMR 7.02(4)(a)3. or 4. or 310 CMR 7.02(5)(a)5. through ~~10~~ 7.02(5)(a)11.; or would cause or contribute to a condition of air pollution under 310 CMR 7.02(7).

(g) ~~(b)~~ Exemptions. Except as provided for at 310 CMR 7.02(2)(a) Exclusions from Exemptions. ~~C~~construction, substantial reconstruction or alteration of a facility or emission unit is exempt from the requirement to obtain a plan approval under 310 CMR 7.02(4) or 310 CMR 7.02(5) if it qualifies as one or more of the following:

...

7. De minimis Increase in Emissions. Construction, substantial reconstruction, or alteration that results in an increase in potential emissions of less than one ton of any air contaminant, calculated over any 12 consecutive month time period. In order to determine eligibility under this exemption, emissions must be calculated in accordance with 310 CMR 7.02(2)(~~d~~)(e). (See also 310 CMR 7.02(6)).

...

15. Fuel Utilization Facilities. Any fuel utilization facility, excluding internal combustion engines such as combustion....

NOTE: Multiple fuel utilization emission units constructed or modified installed at a single facility must be evaluated for aggregate emissions to ensure that 310 CMR 7.00: Appendix A or PSD (40 CFR 52.21) is not triggered.

....
29. Turbines and Reciprocating Engines. An individual internal combustion engine such as a combustion turbine or reciprocating engine having an energy input capacity of less than 3,000,000 Btu per hour or an internal combustion engine regulated by EPA as a non-road engine pursuant to 42 U.S.C. §7543(e) and §7547.

....
32. Construction, substantial reconstruction or alteration required to comply with the requirements of that requires the submittal of an emission control plan in accordance with 310 CMR 7.08(2), 7.18, 7.19, 7.24, 7.26, 7.27, or 7.28, or that requires compliance with 310 CMR 7.24 or 7.26. This exemption does not apply to any boiler complying with the repowering provisions of 310 CMR 7.19(4)(b), any printer complying with 310 CMR 7.26(23)(a)3., or any wood fuel-fired boiler.

(f) (e) Exemption for Actions that Contravene an Existing-Issued Plan Approval. Except as provided below or in 310 CMR 7.02(4)(a)3. or and 4., and 310 CMR 7.02(5)(a)5. through 7.02(5)(a)11., 10. or 310 CMR 7.02(6) and (7), construction, substantial reconstruction or alteration of a facility or that would contravene an existing-issued plan approval does not require a new plan approval, provided that the planned construction, substantial reconstruction or alteration would increase potential emissions by less than one ton per year above the emission limitation established by the existing plan approval. Actions that would contravene emission control equipment design specifications, capture and/or destruction efficiency standards for control equipment, emission limits (except emissions per unit-time year or rolling 12 month average) established by a BACT-plan approval, air contaminant ventilation characteristics such as a reduction in stack height, or limitations on the VOC/HOC content of coatings, or recordkeeping, monitoring, testing or reporting requirements require a plan approval. Where the action would result in an increase in allowable or potential emissions above limits established in an approved RES, the RES must be modified as described in 310 CMR 7.02(10). In order to determine applicability under 310 CMR 7.02(2)(~~e~~)(f), emissions must be calculated in accordance with 310 CMR 7.02(2)(~~d~~)(e). Written notification to the Department must be made within 30 days of such an action.

(e) (d) Calculation of De minimis Emissions. The calculation of the potential emissions increase associated with the planned construction, substantial reconstruction, or alteration as provided in 310 CMR 7.02(2)(b) 7 must be based on the increase in potential emissions

(b) (e) Recordkeeping. The owner or operator of a facility or emission unit that is exempt from plan approval shall keep the following records on-site and up-to-date, such that year-to-date information is readily available for Department examination upon request: ...

....
(c) (f) Reporting. The owner or operator of a facility subject to the Source Registration reporting requirements of 310 CMR 7.12, shall report the construction, substantial reconstruction or alteration activities that qualified for exemption in the next required Source Registration. Quantification of emissions from exempt activities is not required unless specifically requested.

(d)(g) Enforcement. If construction, substantial reconstruction, alteration or operation of an emission unit for which an exemption from plan approval is claimed, violates any provisions of 310 CMR 7.00, the person owning, leasing, operating or controlling the facility will be subject to enforcement under M.G.L. c. 111 §§ 142A and B, and c. 21A § 16 and/or any other relief or remedy provided by law including, but not limited to, injunctive relief.

[] Amend 310 CMR 7.02(3)(a), (b), (g), (h), (j) and (m)

(3) General Requirements for Plan Approval.

(a) General. No person shall construct, substantially reconstruct, alter, or subsequently operate any facility subject to the requirements of 310 CMR 7.02(4) or (5) unless an application for plan approval has been submitted to the Department and plan approval has been granted by the Department. Procedures and contents of an application for plan approval can be found at 310 CMR 7.02(4) and 310 CMR 7.02(5).

(b) Form of Approval.

1. ~~Any plan approval or plan disapproval will be issued by the Department in writing. The Department shall issue a plan approval or plan disapproval in writing except as provided otherwise in 310 CMR 7.02(3)(b)2.~~ If a plan application is disapproved, the Department will provide an ~~written~~ explanation of the circumstances that led to the decision to disapprove the application.

2. ~~On or after (promulgation date) an application submitted in accordance with 310 CMR 7.02(4) shall be considered approved sixty (60) days after receipt of said application by, and the payment of the permit application fee to the Department, whichever occurs later, to the Department unless the Department notifies the applicant in writing of a deficiency, denies the application in writing, or notifies the applicant that a written approval is required. This "presumptive approval" shall be a plan approval as that term is used in 310 CMR 7.02(3)(a), and the applicant may act in accordance with all the conditions specified in the application.~~

...

(f) Compliance with Plan Approvals. Other than as provided in 310 CMR 7.02(2)(~~e~~)(f), no person shall operate a facility approved under 310 CMR 7.02(2) except in compliance with

(g) Massachusetts Environmental Policy Act (MEPA) Review.

Prior to obtaining Department plan approval, an applicant must comply with the requirements of 301 CMR 11.00 ~~for air contaminant emissions from stationary sources~~ if applicable. ~~The thresholds and requirement for Environmental Notification Form (ENF) and Environmental Impact Report (EIR) submissions are reprinted here from 301 CMR 11.00 as follows:~~

- ~~1. ENF and Mandatory EIR. Construction of a new major stationary source with federal potential emissions, after construction and the imposition of required controls, of: 250 tpy of any criteria air pollutant; 40 tpy of any HAP; or 100 tpy of any combination of HAPs.~~
- ~~2. ENF and other MEPA Review if the Secretary so requires:~~
 - ~~a. Construction of a new major stationary source with federal potential emissions, after construction and the imposition of required controls, of 100 tpy of PM as PM10,~~

~~CO, lead or SO₂; 50 tpy of VOC or NO_x; 10 tpy of HAP; or 25 tpy of any combination of HAPs.~~

~~b. Modification of an existing major stationary source resulting in a “significant net increase” in actual emissions, provided that the stationary source or facility is major for the pollutant, emission of which is increased by: 15 tpy of PM as PM₁₀; 100 tpy of CO; 40 tpy of SO₂; 25 tpy of VOC or NO_x; or 0.6 tpy of lead.~~

(h) Opportunity for Comment. The Department will provide an opportunity for public comment as specified in 40 CFR Part 51.161 prior to issuing an approval or denial of a plan approval application required under 310 CMR 7.02(4) or (5) for any facility that meets or exceeds the threshold for MEPA Review for air contaminant emissions from stationary sources (301 CMR 11.00). ~~See 310 CMR 7.02(3)(g).~~

....
(j) Department Approval Plan Approval. Plan approval will be issued by the Department where:

....
~~5. The facility does not require a plan approval pursuant to 40 CFR Part 52.21, Prevention of Significant Deterioration (PSD) or the requirements of 40 CFR Part 52.21 have been met by the plan approval application and a PSD permit has been issued. The Department has the discretion to issue the PSD permit in conjunction with a 310 CMR 7.02 plan approval; and~~

~~5. [Reserved]~~

6. The emissions from such facility or operation of such a facility represents ~~Best Available Control Technology (BACT)~~ Best or the most stringent emission limitation as specified in 310 CMR 7.02(8); and

...
~~8. The facility does not require a plan approval pursuant to 40 CFR Part 63.410 through .44 or the The requirements of 40 CFR Part 63.410 through 40 CFR Part 63.44 are applicable and have been met by the plan approval application and an approval has been issued as required by 40 CFR Part 63.410 through 40 CFR Part 63.44 has been issued. The Department has the discretion to issue an approval under 40 CFR Part 63.410 through 40 CFR Part 63.44 approval in conjunction with a plan approval issued under 310 CMR 7.02 plan approval.~~

...
(m) Reactivating an Inactive Emission Unit. Any person who owns, operates or controls an emission unit or facility that has not operated for at least 24 hours in each of the most recent two calendar years is required to obtain a new plan approval prior to re-commencing operation of that emission unit unless sufficient evidence is presented to convince the Department that the shutdown was temporary and the re-startup could occur within a short time period in full compliance with 310 CMR 7.00. Such evidence shall include documentation showing that during the shutdown period:

1. Continued maintenance of the equipment was performed,
2. There has been compliance with all regulatory requirements such as installation of any monitoring equipment, instrumentation, control equipment, or process controls,
3. The facility or unit was included in Source Registration submissions to the Department pursuant to 310 CMR 7.12, and
4. Any other relevant affirmative information.

If the facility does not, in the judgment of the Department, submit sufficient evidence to demonstrate to the Department that the shutdown was temporary, then the Department may revoke the plan approval. If the Department revokes the plan approval, the facility must obtain a new plan approval prior to re-commencing operation of that emission unit.

[] Amend 310 CMR 7.02(4)

(4) Limited Plan Application (LPA).

(a) Applicability. Calculation of potential emissions associated with a LPA shall be in accordance with 310 CMR 7.02(4)(b). An LPA is required from any person prior to constructing, substantially reconstructing, altering, or subsequently operating any facility or emission unit described as follows:

1. Emission Increase of Less than Five Tons Per Year. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater than one ton per year and less than five tons per year, calculated over any 12 consecutive month time period. Products of combustion are not included when calculating applicability under 310 CMR 7.02(4)(a)1. ~~In order to determine applicability, emissions must be calculated in accordance with 310 CMR 7.02(4)(b).~~

2. Fuel Utilization Facilities. Any individual fuel utilization ~~facility~~ emission unit, excluding internal combustion engines such as combustion turbines or reciprocating engines, where construction, substantial reconstruction, alteration or subsequent operation results in an increase in potential emissions of said emission unit of equal to or greater than one ton per year and the individual fuel utilization emission unit being constructed, substantially reconstructed, altered, or subsequently operated has a maximum energy input capacity equal to or greater than:

...
NOTE: Multiple fuel utilization emission units constructed or modified ~~installed~~ at a single facility must be evaluated for aggregate emissions to ensure that 310 CMR 7.00, Appendix A or PSD (40 CFR 52.21) is not triggered.

3. Modification of Plan Approval Terms and Conditions. Except as provided in 310 CR7.02(5) abd 310 CMR 7.02(6), construction, substantial reconstruction, alteration or subsequent operation of a facility that would ~~contradict~~ contravene an existing plan approval ...

a. ...

b. iv. Replace “~~though~~” with “through”

4. Applicability of Non-attainment, PSD, or MACT Review. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in a portion or all of the facility being subject to Emission Offsets and Non-attainment Review at 310 CMR 7.00 Appendix A or to PSD Permitting at 40 CFR 52.21; or where the construction or reconstruction (as defined in 40 CFR Part 63.41) would be subject to 40 CFR Part 63.40 through 63.44 unless additional enforceable restrictions are established. Applicability under this paragraph shall be based on federal potential emissions of any regulated pollutant. The only restrictions which may be included in the calculation of federal potential emissions are specific conditions that are contained in a federally

enforceable, such as a plan approval, restricted emission status, operating permit or emission control plan; or federally enforceable regulation, such as 310 CMR 7.02(5), Reasonable Available Control Technology (310 CMR 7.18 and 7.19) or New Source Performance Standards (40 CFR part 60). Records maintained at the facility, as a means of demonstrating potential emissions are below the thresholds contained in 310 CMR 7.02, are not federally enforceable.

~~(b) Calculation of Emissions Calculation. Calculation of potential emissions associated with a Applicability of a LPA provided at 310 CMR 7.02(4)(a)1. and 3. is determined by quantifying the increase in potential to emit associated with the proposed action. The calculation of potential to emit must be based on the potential emissions (as defined in 310 CMR 7.00) of the proposed construction, substantial reconstruction, alteration or subsequent operation. The calculation can consider proposed limitations or restrictions on operating rate or short and long term emissions, provided that these conditions become federally enforceable upon plan approval. Reductions in emissions resulting from reduced utilization or elimination of an existing emission unit cannot be deducted (i.e. no netting). Products of combustion from any fuel utilization facility or e~~
Emissions from an emission unit(s) installed in accordance with 310 CMR 7.03 are not included when calculating an increase in potential emissions.

~~(c) [RESERVE] Facilities with Operating Permits Unless required to submit an application by 310 CMR 7.02(4)(a)3. and 4., an LPA is not required of any facility which has been issued an operating permit by the Department under the provisions of 310 CMR 7.00: Appendix C, provided that an application for a minor modification to the operating permit is submitted to the Department in accordance with the requirements of 310 CMR 7.00: Appendix C(8) and within the timelines established at 310 CMR 7.00: Appendix C(4)(b)2.~~

(d) Limited Plan Application Requirements. To apply for an LPA, an applicant shall satisfy each of the following conditions:

1. The application shall be made on a form furnished by the Department or by other means required by the Department.
2. The application shall be signed by a responsible official.
3. The application shall be submitted in duplicate.
- 4.....
- 5.....

6. The application shall bear the seal and signature of a professional engineer registered in the Commonwealth of Massachusetts under the provisions of M.G.L. c.112, as amended.

[] Amend 310 CMR 7.02(5)(a) 1. (a) 3., (a) 5., (a) 7., (a) 9.

(5) Comprehensive Plan Application (CPA).

(a) Applicability. Calculation of potential emissions associated with a CPA shall be in accordance with 310 CMR 7.02(5)(b). A CPA is required from any person prior to constructing, substantially reconstructing, altering or subsequently operating any facility or emission unit ~~described~~ as follows:

1. Emission Increase Greater than or Equal to Five Tons Per Year. Any facility where the construction, substantial reconstruction, alteration or subsequent operation would result in an increase in potential emissions of a single air contaminant equal to or greater

than five tons per year, calculated over any 12 consecutive month time period. Products of combustion are not included when calculating applicability under 310 CMR 7.02(4)(a)1. In order to determine applicability, emissions must be calculated in accordance with 310 CMR 7.02(5)(b).

2. Fuel Utilization Facilities. Any fuel utilization facility, excluding internal combustion engines such as combustion turbines or reciprocating engines, where the individual fuel utilization unit being

3. Internal Combustion Engines. Any individual internal combustion engine, such as a stationary combustion turbine or a stationary reciprocating engine, having a maximum energy input capacity equal to or greater than 3,000,000 Btu per hour. An application is not required pursuant to this paragraph if the internal combustion engine is regulated by EPA as a non-road engine pursuant to 42 U.S.C. 7401 §7543(e) and §7547.

...
5. Incinerators. Any incinerator ~~or modification of any incinerator and/or its ancillary equipment.~~

...
7. Facilities Subject to PSD, ~~or~~ Nonattainment Review or Case-by-Case MACT. Any facility, regardless of any exemption established elsewhere, where the construction, substantial reconstruction or alteration cause a facility to be subject to ~~the rules governing~~ Prevention of Significant Deterioration (40 CFR 52.21), ~~or~~ Emissions Offsets and Non-attainment Review (310 CMR 7.00, Appendix A), or Case-by-Case MACT (40 CFR Part 63.40 through 63.44).

...
9. Modification of Non-attainment Review Plan Approval ~~or~~ PSD permit or Case-by-Case MACT. Any facility, where the construction, substantial reconstruction or alteration would violate a condition of a Non-attainment Review approval ~~or~~ PSD permit or Case-by-Case MACT (40 C.F.R. Part 63.40 through 63.44) regardless of the expected change in emissions and any exemptions established elsewhere in 310 CMR 7.00.

...
11. Major Modifications at Large Combustion Emission Units (LCEU). A Comprehensive Plan Application is required for major modifications for any large combustion emission unit. The applicability criteria for a CPA and associated definitions for LCEU(s) are set forth in 310 CMR 7.54

(b) Calculation of Emissions Calculation of potential emissions associated with a CPA must be based on the potential emissions (as defined in 310 CMR 7.00) of the proposed construction, substantial reconstruction or alteration. The calculation can consider proposed limitations or restrictions on operating rate or short and long-term emissions, provided that these conditions become federally enforceable upon plan approval. Reductions in emissions resulting from reduced utilization or elimination of emission units cannot be deducted (i.e. no netting). ~~Products of combustion from any fuel utilization facility or e~~ Emissions from an emission unit(s) installed in compliance with 310 CMR 7.03 are not included when calculating an increase in potential emissions.

...
(d) Prevention of Significant Deterioration. In addition to the requirements contained at 310 CMR 7.02(5)(c), major new stationary sources of air contaminants and major modifications of existing major stationary sources located in attainment areas are subject to Prevention of

Significant Deterioration (PSD) regulations promulgated in 40 CFR Part 52.21. Effective July 1, 1982, the PSD program is was implemented by the Department in accordance with the Department's "Procedures for Implementing Federal Prevention of Significant Deterioration Regulations." Effective March 3, 2003, the PSD program is implemented by the U.S. Environmental Protection Agency.

[] Amend 7.02(5)(f)

(f) Facilities with Operating Permits. An owner or operator of a~~A~~ facility issued an operating permit under the provisions of 310 CMR 7.00: *Appendix C*, with proposed changes at the facility that are not a modification under any provision of title I of the Act, (42 U.S.C. § 7401 et seq.) resulting in an increase in uncontrolled potential emissions greater than or equal to five tons per year but less than 25 tons per year, and projected actual emissions increases greater than five tons per year but less than 25 tons per year, may elect an ~~to utilize~~ expedited plan approval review timelines available under 310 CMR 4.10(2)(j) provided that a pre-application meeting is held with the appropriate regional office personnel no more than 90 days prior to the anticipated date that the CPA is to be submitted and an application for a minor modification of the operating permit is submitted to the Department in accordance with the requirements of 310 CMR 7.00: *Appendix C*(8) and timelines established at 310 CMR 7.00: *Appendix C*(4)(b) 2.

[] Amend 310 CMR 7.02(6)(b).

(6) Aggregated Emissions

(a) ...

(b) Calculation of Emissions Aggregated emissions shall be calculated as the sum of the potential emissions of any air contaminant identified in 310 CMR 7.02(6)(a). Products of combustion from any fuel utilization facility or emissions resulting from construction, substantial reconstruction or alteration, in accordance with the requirements of 310 CMR 7.03 or 7.26, are not included in this calculation

[] Amend 310 CMR 7.02(8)(a)2., (b), (g) and (i)1, 2, 3 and 5.

(8) Emission Limitations

(a) Emissions Limitations in Plan Approvals. The Department's written approval of an LPA or CPA shall include the most stringent emission limitation of the following, as applicable:

1. ...

2. Best Available Control Technology (BACT). BACT is required of all LPAs and CPAs. as well as where construction, substantial reconstruction or alteration is subject to Prevention of Significant Deterioration (PSD) permitting. In no case will BACT be less stringent than Reasonably Available Control Technology (RACT) any applicable emission limitation contained in a Department (e.g., 310 CMR 7.05, 7.18, 7.19, and 7.24) or federal regulation (e.g. 40 CFR 60) or its equivalent for a facility size and type, where RACT has been defined in 310 CMR 7.05, 7.18, 7.19, 7.24 or 7.26. BACT may include a design feature, equipment specification, work practice, operating standard or combination thereof. *(See Definition of BACT in 310 CMR 7.00).*

(b) Fuel Switching. Applicants for conversion of fuel utilization facilities equal to or greater than 100,000,000 Btu per hour from oil or solid fuel to natural gas or dual-fuel oil/natural gas, are not required to provide an assessment of BACT in the application for plan approval (LPA or CPA). Further, this action is not considered a major modification subject to New Source

~~Performance Standards~~ 310 CMR 7.00: Appendix A provided that the project qualifies as a pollution ~~prevention/control~~ project, ~~in accordance with EPA Standards of Performance for New Stationary Sources.~~

...

(g) Emission Testing and Monitoring. For purposes of determining compliance with 310 CMR 7.02(8)(d) through (f) and (h), any emission testing for compliance with these limitations must be conducted under isokinetic sampling conditions.....

....

(i) U Emergency or Standby Engine(s).

1.a. Persons owning,an emergency or standby engine(s) constructed, having an energy input capacity equal or greater than 3,000,000 ~~but less than 10,000,000~~ Btu per hour individually shall operate said engine(s) in compliance with 310 CMR 7.02(8)(i)~~42.~~ through ~~4.~~ ~~5.~~ Notwithstanding the previous sentence, an operator or owner of an emergency or standby engine(s) constructed, substantially reconstructed or altered prior to June 1, 1990 and having an energy input capacity equal to or greater than 3,000,000 Btu ~~but less than 10,000,000~~ per hour individually may apply for alternative operating and reporting requirements under 310 CMR 7.02(5)(a)3. U Comprehensive Plan Approval — Applicability.

b. Persons owning, ... an emergency or standby engine(s) having an energy input capacity less than 3,000,000 Btu per hour per engine, individually electing to establish limits on the hours of operations of said engine(s) comply with 310 CMR 7.02(8)(i)~~42.~~ through 5., 310 CMR 7.02(11).

2. The engine(s) may be operated no more than 300 hours each per any rolling 12 month period, including the normal maintenance and testing procedure as recommended by the manufacturer and periods when the primary power source for a facility has been lost during an emergency, such as a power outage, an on-site disaster or an act of God.

3. The owner or operator shall establish and maintain the following records for each engine:

....

~~5. The owner or operator shall notify the Department of the engine's coverage under 310 CMR 7.00 concurrent with the required submittal of the facility's emission statement pursuant to 310 CMR 7.12.~~

[] Amend 310 CMR 7.02(8) through (11). Add the following titles for individual sections of the regulations to aid the reader in locating particular requirements.

7.02(8)(i) U Emergency or Standby Engine(s)

1. Applicability.

2. Limits of Operation.

3. Record Keeping.

4. Availability of Records.

5. Notification.

7.02(9) Restricted Emission Status (RES)

(a) General.

(b) Application Requirements.

(c) Relationship to RACT.

(d) Form of Approval.

- (e) Conditions of Approval.
- (f) Federal Enforceability.
- (g) Notification and Public Comment.
- (h) Return to Major Status.

7.02(10) Modification of a Restricted Emission Status (RES)

- (a) General.
- (b) Increase RES Cap.
- (c) Increase RES Cap with Construction.
- (d) Construction with no Increase in RES Cap.
- (e) Procedures for 7.02(10)(d).

7.02(11) U 50% or 25% Facility Emission Cap Notification

- (a) General.
- (b) Duty to Comply.
- (c) Plan Approval.
- (d) Application Requirements.
- (e) 50% Cap Requirements.
- (f) 25% Cap Requirements.
- (g) Eligible Restrictions.
- (h) Record Keeping.

[] Amend 310 CMR 7.02(10)(b) and 10(d)6..

(10) Modification of a Restricted Emission Status (RES).

- (a) ...
- (b) If it is proposed to modify a RES to increase the approved emission limits without construction, substantial reconstruction or alteration of emission units that require approval under 310 CMR 7.02(4) or (5), an application shall be made in accordance with the procedures in 310 CMR 7.02(9).

...

- (d) If it is proposed to modify a RES approval to construct, substantially reconstruct or alter a facility, amend terms or conditions of the RES approval, and the construction, substantial reconstruction or alteration will not increase the facility-wide emission limit, the applicant shall:

...

- 6. Provide in the application a demonstration that the proposed construction, substantial reconstruction, or alteration is not subject to Non-attainment New Source Review (310 CMR 7.00, Appendix A), PSD (~~40 CFR 52.21~~), or MACT (~~40 CFR 63.40-44~~).

[] Delete 310 CMR 7.02(11)(i) and (j) and replace with:

(11) U 50% or 25% Facility Emission Cap Notification.

...

(i) Reporting. In order to document compliance and maintain an emissions inventory, the Department may require reporting from any owner or operator of a facility with an emissions cap established at 310 CMR 7.02(11)(e) or (f).

[] Amend 310 CMR 7.03(1)(a).

(1) General

(a) Any person who constructs, substantially reconstructs or alters, and subsequently operates an emission unit listed herein, may comply with the specific requirements of 310 CMR 7.03(5) through (7) in lieu of filing either a Comprehensive Plan Application (CPA) required by 310 CMR 7.02(5)(a) or a Limited Plan Application (LPA) required by 310 CMR 7.02(4)(b)(a), except as provided in 310 CMR 7.03(2).

[] Add 310 CMR 7.03(1)(d).

(d) 1. Any person who constructs, substantially reconstructs, or alters and subsequently operates an emission unit in accordance with 310 CMR 7.03(8), (15), (16) or (19) shall limit the facility-wide emission of any individual hazardous air pollutant (HAP) to less than 10 tons in any consecutive 12 month time period, and all combined HAP to less than 25 tons in any consecutive 12 month time period.

2. The limits specified in 310 CMR 7.03(1)(d)1. do not apply to an owner or operator subject to 310 CMR 7.00 Appendix C: Operating Permit and Compliance Program.

[] Amend 310 CMR 7.03(3).

(3) Including Emission Units in Calculation of Net Emission Increase.

Persons who construct, substantially reconstruct or alter an emission unit that complies with the requirements of 310 CMR 7.03 must include said emission unit in calculating significant net emission increase and determining applicability of Non-attainment New Source Review, 310 CMR 7.00, Appendix A, or PSD (40 CFR 52.21) or Case-by-Case MACT (310 CMR 7.02(5)(e)).

[] Amend 310 CMR 7.03(4)(a)

(4) Emission Units Constructed or Altered Since 1970

(a) Persons who construct.....if said emission unit complies with the requirements of 310 CMR 7.03(5) through (7), et seq. and is not prohibited by 310 CMR 7.03(2), ~~and is one of the activities specified in 310 CMR 7.03(8) through (21),~~ as applicable.

[] Amend 310 CMR 7.03(7).

(7) Operation. No person shall operate a facility constructed, substantially reconstructed or altered pursuant to 310 CMR 7.03 except in conformance with the requirements established herein. This exemption from the requirements of 310 CMR ~~7.02(1)(b) 7.02(4) and 7.02(5)~~ shall not affect the responsibility of the owner or operator to comply with other provisions of 310 CMR 7.00, other applicable regulations or any plan approval, notice of noncompliance order, PSD permit or other approval issued to said facility.

[] Amend 310 CMR 7.03(8)

(8) Degreaser. Construction, substantial reconstruction or alteration of any degreaser in compliance with the criteria established in 310 CMR 7.18(8), regardless of the item being degreased, with a solvent usage consumption rate less than 100 gallons per month. Consumption rate is the amount of solvent added into the unit less any documented solvent waste disposal or recycling amounts, in gallons per month.

[] Amend 310 CMR 7.03(9)

(9) U Wave Solder. Construction, substantial reconstruction or alteration of an oil-less wave solder operation or any wave solder operation with a flux consumption rate, including any thinner, of less than 200 gallons per month, either equipped with an electrostatic precipitator capable of maintaining a particulate control efficiency of greater than 90% or emitting visible emissions with 0% opacity.

[] Amend 310 CMR 7.03(10) by adding (d).

(10) Emergency or Standby Engine. On or after June 1, 1990, construction, substantial reconstruction or alteration of any emergency or standby engine complying with ~~the following criteria~~ 310 CMR 7.03(10)(a) through (d). Reporting and recordkeeping requirements of 310 CMR 7.03(5) and (6) shall be in accordance with 310 CMR 7.02(8)(i)3. through 5. The engine shall:

...

(d) not operate more than 300 hours per rolling 12 month period, including the normal maintenance and testing procedure as recommended by the manufacturer and periods where the primary power source for a facility has been lost during an emergency, such as a power outage, an on-site disaster or an act of God.

[] Delete 310 CMR 7.03(14) Dry Cleaning Operation, and add [Reserve]

[] Amend 310 CMR 7.03(16)(c), (16)(d), (16)(g) and (16)(h).

(16) Paint Spray Booths. Construction, substantial reconstruction or alteration of any paint spray booth complying with the following criteria:

...

(c) Except as provided in 310 CMR 7.18(11)(a)1., all coatings used in the new or modified spray booth shall comply with the as-applied formulations contained in 310 CMR 7.18 *et seq.*, for the spray coating of material described by the relevant subsection. Notwithstanding the previous statement, for any person who owns, leases, operates or controls a facility with coating operation(s) subject to 310 CMR 7.03(16), the emissions of VOC from any coatings used in small amounts at the facility are exempt from the emission limitations of the particular section, provided the person satisfies the following conditions:

1. the total amount of all coatings exempted does not exceed 55 gallons on a rolling 12 month period at the facility; and,
2. the person identifies/tracks the usage of the coatings covered by this exemption; and,
3. the person complies with the record keeping and testing requirements of the particular section(s) of 310 CMR 7.03(16)(b).

(d) Spray guns shall utilize one of the following methods of spray application and be maintained and operated in accordance with the recommendations of the manufacturer:

1. Electrostatic spray application; or,
2. High Volume Low Pressure (HVLV) spray application; or
3. Any other coating application method approved by the Department in writing.

....

(g) For surface preparation, prior to coating, ~~or cleaning of spray equipment~~, the VOC content of any surface preparation/~~cleanup~~ solution shall not exceed 1.67 pounds of VOC per gallon. This requirement is not applicable to cleanup solutions which are re-used as thinners/reducers for coatings. However, for surface preparation

of new plastic parts the VOC content of the surface preparation solution shall not exceed 6.5 pounds of VOC per gallon.

(h) Spray gun cleaning shall be performed inside a totally enclosed or equally effective system.
~~gun washer system and a~~ Any used cleanup solution shall be re-circulated, ~~or~~ stored, ~~or~~ and disposed of in a ~~manner which~~ manner, which will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover.

[] Add 310 CMR 7.03(16)(l)

(l) As an alternative to 310 CMR 7.03(16)(k)1 and (k)2, persons subject to 310 CMR 7.18(28) Automotive Refinishing shall maintain purchase records of coatings and surface preparation products on a monthly basis. The purchase records must be summarized and include coating category, coating or coating component as identified on the container, the quantity of each coating or component, and the VOC content (pounds per gallon) of each coating, after mixing according to the manufacturer's instructions. Records must be made available to representatives of the Department upon request.

[] Delete 310 CMR 7.03(20) Facilities Subject to 310 CMR 7.26(20) through (29), and [Reserve]

[] Amend 310 CMR 7.03(23).

(23) Temporary Boilers. Construction or installation of a temporary boiler at a facility where a boiler is no longer available for use. ... A temporary boiler constructed or installed in accordance with 310 CMR 7.03(23) with an energy input capacity exceeding 10 MMBtu per hour is subject to New Source Performance Standards contained at 40 CFR Part 60, Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

[] Amend 310 CMR 7.04(2), (7)(a) and (8)(a).

ADD “U”

(2) U Smoke Density Indicator.

(7) CM Prohibition of Unapproved Burners in the City of Worcester.

(a) ~~u~~Upon receipt of written notification...

(8) CM Prohibition of Natural Draft in Fossil Fuel Utilization Facilities in the City of Worcester.
~~u~~Upon receipt of written notificationwithout the approval of the Department pursuant to 310 CMR 7.00.

[] Amend 310 CMR 7.05(2)

(2) U Use of Residual Fuel Oil, Landfill Gas or Hazardous Waste Fuel. No person owning, leasing or controlling ~~a~~ an individual fuel utilization emission unit facility rated by the Department as having an energy input capacity of less than 3,000,000 or less Btu per hour shall cause, suffer, allow or permit the burning of any residual fuel oil, ~~landfill gas~~ or hazardous waste fuel therein.

[] Delete the existing 7.06(1)(c) and replace with the following

(c) Exception for Operating Permit Facilities:

1. Visible Emission Limits. In lieu of the requirements of 310 CMR 7.06(1)(a) and 310 CMR 7.06(1)(b), a facility subject to 310 CMR 7.00, Appendix C - Operating and Compliance Program with boilers rated less than 500 million Btu per hour energy input capacity, may elect to comply with a visible emission limitation not to exceed 15 percent opacity during normal operation and not to exceed 27 percent opacity during periods of startup, shutdown, soot blowing and other specified operating conditions. Compliance with visible emission limits shall be based upon a six-minute average and determined either by the procedures set forth in Method 9, (as described in 40 CFR Part 60, Appendix A-4), or by a visible emission monitor required under the Operating Permit. Before a facility may operate in accordance with 310 CMR 7.06(1)(c) the facility must notify the Department in writing of such intention, develop and submit to the Department a plan of good operating practices, and receive notification from the Department that the plan has been approved. Any facility operating pursuant to 310 CMR 7.06(1)(c) shall comply with a good operating practices plan as approved.

2. Plan of Good Operating Practices.

The plan of good operating practices shall, at a minimum:

- a. Be developed with recommendations from third party combustion systems experts;
- b. Describe how the application of modern technology of control, and practices for operating and maintaining the equipment, will minimize visible emissions;
- c. Describe any operating conditions other than startup, shutdown and soot blowing during which the facility proposes to take advantage of the exception in 310 CMR 7.06(1)(c);
- d. Propose the duration and frequency of startup, shutdown, soot blowing and any other specified conditions;
- e. Document the need for visible emission limitations greater than 15 percent opacity during startup, shutdown, soot blowing and any other specified operating conditions;
- f. Propose visible emission limitations that the facility will comply with during startup, shutdown, soot blowing and other specified operating conditions;
- g. Describe all necessary corrective action procedures and include schedules for implementing such procedures; and
- h. Propose record keeping and monitoring procedures to document visible emissions sufficient to determine compliance with the plan.

3. Department Action. Upon completion of review, the Department shall either approve or disapprove the plan of good operating practices. The terms and conditions of an approved plan shall be incorporated into the facility's operating permit. A Department approval shall specify the visible emission limitations for each operating condition, (i.e. startup, shutdown, soot blowing and other specified operating conditions approved by the Department); and specify corresponding monitoring, record keeping and reporting requirements. A Department approval may also include other conditions necessary to ensure compliance with the visible emission limitations contained in the approval.

4. Notice of Exceedances. Any facility operating pursuant to a Department approval issued under this exception shall notify the Department of any exceedance of an approved visible emission limitation that continues for two consecutive six-minute periods. Said

notice shall be given within one business day. The Department may require, or the facility may request, modification of an approved plan of good operating practices.

[] Amend 310 CMR 7.06(1)(a), (b) and (6) by adding/amending the following titles.

(1) Stationary Sources Other than Incinerators.

(a) Smoke

(b) Opacity

....

(6) From Non-Stationary Source ~~From~~ Diesel Engines.

[] Amend 310 CMR 7.08(2)(g); (4)(d)

(2) Municipal Waste combustors

...

(g) Compliance and Performance Testing. Each person subject to 310 CMR 7.08(2) shall comply with the provisions of 40 CFR 60.58b, "Compliance and Performance Testing," effective December 19, 1995 and as amended October 24, 1997, and November 16, 2001, the provisions of which are hereby incorporated by reference. Compliance with the applicable requirements as set forth in 310 CMR 7.08(2)(f) shall be determined in accordance with 40 CFR 60.58b, except as provided under 310 CMR 7.08(2)(g) 1., 2., 3., 4., 5. and 6. The initial performance test must be completed within 180 days after the final compliance date.

...

(4) Hazardous Waste Incinerators.

...

(d) The Department may approve the construction, reconstruction, alteration, modification or operation of a hazardous waste incinerator only if the Department is persuaded that:**

** In addition to the requirements contained herein, major new sources of air contaminants and major modifications of existing sources located in attainment areas may ~~be subject~~ be subject to Prevention of Significant Deterioration (PSD) regulations ~~at 40~~ at 40 CFR § 52.21. Effective July 1, 1982, the ~~PSD program is implemented by the Department in accordance with the Department's "Procedures for Implementing Federal Prevention of Significant Deterioration Regulations"~~ Department in accordance with the Department's "Procedures for Implementing Federal Prevention of Significant Deterioration Regulations" implemented the PSD program. As of March 3, 2003, the federal PSD regulations are administered by the U.S. Environmental Protection Agency.

[] Amend 310 CMR 7.12(2).

(12) Source Registration

(2) Schedule

(a) By ~~April 15~~ March 1 of each year, Source Registration shall be submitted to the Department by the person owning, operating or controlling:

.....

~~(d) Any person subject to reporting requirements of 310 CMR 7.26 shall report in accordance with the schedule required by that regulation.~~

[] Amend 7.14(3) as follows:

(14) Monitoring Devices and Reports

- (3) The monitoring and recording required in 310 CMR 7.14(2) shall begin ~~within 18 of the effective date of 310 CMR 7.00~~ by August 6, 1988.

[] Amend 310 CMR 7.15 Asbestos as follows:

(1) Standards for Demolition/Renovation

(a) ...

(b) Notification. Each owner/operator of a demolition/renovation operation involving...

1. ...

2. ...

3. Include but not be limited to the following information on the Department-approved form:

a. ...

c. Estimate amount (in ~~lineal~~ linear feet or square feet) of the approximate amount of asbestos-containing materials to be handled under this application with a description of the techniques used for the estimation.

....

(e) Waste Disposal. Each owner/operator shall:

1. ...

2. Store at an approved refuse transfer station facility (if applicable) in accordance with 310 CMR ~~19.000~~ 18.00 requirements for storage of special waste.

3. Dispose of asbestos-containing waste material at an approved sanitary landfill special waste site. If within Massachusetts, such sites must be operated in accordance with 310 CMR 19.000. Outside Massachusetts, such sites must be operated in accordance with applicable state and federal asbestos laws.

[] Amend 7.18(1)

(18) Volatile and Halogenated Organic Compounds

(1) Applicability and Handling Requirements.

(a) 310 CMR 7.18 shall apply in its entirety to persons who own, lease, operate or control any ~~facility which~~ facility, which emits volatile organic compounds (VOC).

(b) For purposes of 310 CMR 7.18, inclusive, VOC shall include both VOC as defined in 310 CMR 7.00 and Halogenated Organic Compounds (HOC) as defined in 310 CMR 7.00.

(c) On or after July 1, 1980 any person owning, leasing, operating, or controlling a facility regulated under 310 CMR 7.18, inclusive, shall operate all coating mixing tanks, and store and dispose of volatile organic compounds in a manner which will minimize evaporation to the atmosphere.

1. Proper storage shall be in a container with a tight fitting cover.

2. Proper disposal shall include incineration in an incinerator approved by the Department, transfer to another person licensed by the Department to handle VOC, or any other equivalent method approved by the Department.

3. Proper coating mixing tank operation shall include covering the tank with a tight fitting lid or other method approved by the Department, except to add ingredients, take samples or perform maintenance.

[] Amend 310 CMR 7.18(2)(a).

(2) U Compliance with Emission Limitations

(a) Any person subject to 310 CMR 7.18, inclusive, shall maintain continuous compliance with all requirements of 310 CMR 7.18. Except as provided in 310 CMR 7.18(2)(b) and (g), ~~C~~compliance averaging times are based on the control method selected to meet the applicable emission limitations and EPA test methods as codified in 40 CFR Part 60 or other methods approved by the Department and EPA, and are as follows: ...

[] Amend 310 CMR 7.18(2)(~~g~~)5g) 5.

(g) Daily Weighted Averaging. Any person who owns, leases, operates or controls a coating line subject to 310 CMR 7.18, may comply with the VOC emission limitations of the applicable section of 310 CMR 7.18 through the use of a daily-weighted average on an individual coating line, provided the person meets the following conditions: ...

5. The daily weighted average for each coating line is calculated according to the following equation: ...

VT = the total volume of solids as applied each day on each coating line.

Coating usage may be averaged, providing the units in the equation are the same as the units that are used in the section of 310 CMR 7.18 that applies to the coatings included in the daily average. Only coating lines subject to the same emissions standard may be averaged together.

[] Amend by re-labeling and amending 310 CMR 7.18(8)(d)-(g)

(8) U Solvent Metal Degreasing.

~~(d)(e)~~ On or after December 31, 1980 any person subject to 310 CMR 7.18(8)(a), (b), ~~or (e) (c) or (d),~~ shall operate any solvent metal degreaser using procedures which minimize evaporative emissions and prohibit spills from the use of said degreaser. Such procedures include but are not limited to:

1. notification to operators of the performance requirements that must be practiced in the operation of the degreaser, including the permanent and conspicuous posting of labels in the vicinity of the degreaser detailing performance requirements; and
2. storage of waste degreasing solvent in closed containers, and disposal or transfer of waste degreasing solvent to another party, in a manner such that less than 20% of the waste degreasing solvent by weight can evaporate into the atmosphere; and
3. where applicable, supplying a degreasing solvent spray which is a continuous fluid stream (not a fine, atomized or shower type spray) at a pressure which does not exceed ten pounds per square inch as measured at the pump outlet, and use any such spray within the confines of the degreaser.

~~(e)(f)~~ Any person subject to 310 CMR 7.18(8)(a), (b), ~~or (e) (c) or (d),~~ shall maintain instantaneous and continuous compliance at all times.

~~(f)~~(g) Any person subject to 310 CMR 7.18(8)(a), (b), ~~or (c) or (d)~~, shall prepare and maintain daily records sufficient to demonstrate compliance consistent with an instantaneous averaging time as stated in 310 CMR 7.18(2)(a). Records kept to demonstrate compliance shall be kept on site for three years and shall be made available to representatives of the Department and EPA in accordance with the requirements of an approved compliance plan or upon request. Such records shall include, but are not limited to:

1. identity, quantity, formulation and density of solvent(s) used;
2. quantity, formulation and density of all waste solvent(s) generated;
3. actual operational and performance characteristics of the degreaser and any appurtenant emissions capture and control equipment, if applicable; and
4. any other requirements specified by the Department in any approval(s) and/or order(s) issued to the person.

~~(g)~~(h) Persons subject to 310 CMR 7.18(8) shall, upon request of the Department, perform or have performed tests to demonstrate compliance. Testing shall be conducted in accordance with a method approved by the Department and EPA.

[] Add 310 CMR 7.18(8)(d).

(d) Aqueous Cleaning: any aqueous cleaner in which all the following conditions are satisfied is exempt from the requirements of 7.18(8)(a), ~~(b)~~, and (c):

(i) All organic material in the cleaning fluid is water soluble; and

The cleaning fluid contains no more than 10 percent by weight organic material, excluding soaps; and,

(ii) All organic materials have a vapor pressure less than 1 millimeter Mercury (mm Hg) at 25 degrees Celsius.

[] Amend 310 CMR 7.18(11)(a):

(11) U Surface Coating of Miscellaneous Metal Parts and Products

(a) On or after December 31, 1982 unless granted an extension by the Department to December 31, 1985, no person who owns, leases, operates, or controls a miscellaneous metal parts and products coating lines, ...

1. Emissions of volatile organic compounds from coatings used in small amounts are exempt from the emissions limitations of 310 CMR 7.18(11)(b). The sum of all coatings exempted from the emission limitations of 310 CMR 7.18(11)(b) shall not exceed 55 gallons per year at any facility. Usage of exempt coatings shall be reported to the Department in accordance with 310 CMR 7.12.

~~2. Any facility which emits, before any application of air pollution control equipment, less than or equal to one ton of volatile organic compounds in any one calendar month, and less than ten tons of volatile organic compounds in any consecutive 12 month time period is exempt from the emissions limitations of 310 CMR 7.18(11)(b).~~

2. Any facility which has not emitted, before the application of any air pollution control equipment, since January 1, 1990, one ton or more of volatile organic compounds in any one calendar month, or ten or more tons of volatile organic compounds in any consecutive 12 month time period is exempt from the emissions limitations of 310 CMR 7.18(11)(b).

[] Amend 310 CMR 7.18(19)(h) and (i)
(19) Synthetic Organic Chemical Manufacture

...

(h) Unless otherwise notified by the Department, in writing, each ~~Each~~ owner or operator shall submit to the Department a quarterly report describing the results of the monitoring program required by 310 CMR 7.18(19).

(i) Any owner or operator of a facility subject to 310 CMR 7.18(19) shall:

1. ~~within 180 days of the effective date of 310 CMR 7.18(19) by June 1, 1987~~ submit to the Department, a leak detection and repair program. This program shall contain, as a minimum, a list of process components, a copy of the log book format, and a description of the proposed monitoring equipment.
2. submit the first quarterly report required by 310 CMR 7.18(19)(i) ~~within 360 days of the effective date of 310 CMR 7.18(19) by December 1, 1987 or within 120 days of the date the owner or operator first becomes subject to 310 CMR 7.18(19).~~

[] Amend 310 CMR 7.18(20)(a)

(20) Emission Control Plans for Implementation of Reasonably Available Control Technology

(a) General Applicability and Submittal Requirements. Any person who owns, leases, operates or controls a facility, which becomes subject to 310 CMR 7.18 after January 1, 1992, shall submit an emission control plan to the Department for review and approval by the Department prior to implementation of RACT.

1. The plan must be submitted to the Department within 180 days of the date the facility or part of a facility first meets the applicability requirements of 310 CMR 7.18, or the date of promulgation for that section of 310 CMR 7.18, whichever is latest. ~~Any person who has received a plan approval under 310 CMR 7.02(4) is exempt from submitting an emission control plan, if that approval requires compliance with 310 CMR 7.18 for the entire facility.~~
2. An emission control plan is not required if all operations at the facility for which an approval under 310 CMR 7.18(20) would otherwise be required were installed in accordance with an approval issued pursuant to 310 CMR 7.02(4) or (5) that meets the standards/limits of 310 CMR 7.18 and/or the requirements contained in 310 CMR 7.03.

[] Add new 310 CMR 7.18(20)(g)

(g) Additional requirements may be included in the emission control plan approval to assure that emissions from the unit(s) subject to RACT will not cause or contribute to a condition of air pollution or a violation of any other regulation. Such requirements include, but are not limited to, emissions limits on other air contaminants, and additional stack testing or emissions monitoring requirements.

[] Amend 310 CMR 7.18 (21), (22), (23), (24), (25) and (26)
7.18(21) Surface Coating of Plastic Parts

- (c) Exemptions. The requirements of 310 CMR 7.18(21)(b) do not apply to:
1. a. any person subject to 310 CMR 7.18(21)(a) who is able to demonstrate to the Department that, since January 1, 1990, the plastic parts coating line(s) have not, in total, emitted, before the application of air pollution control equipment, greater than or equal to 50 tons per year of volatile organic compounds; and
 - b. provided the person obtains and complies with a permit restriction from the Department under 310 CMR 7.02(9) – federally federally enforceable emission limit which restricts the potential emissions to below 50 tons per year; and
 - c. provided the person complies with other sections of 310 CMR 7.18(21)(i).

7.18(22) Leather Surface Coating

- (c) Exemptions. The requirements of 310 CMR 7.18(22)(b) do not apply to:
1. a. any person subject to 310 CMR 7.18(22)(a) who is able to demonstrate to the Department that, since January 1, 1990, the leather surface coating line(s) have not, in total, emitted, before the application of air pollution control equipment, greater than or equal to 50 tons per year of volatile organic compounds; and
 - b. provided the person obtains and complies with a permit restriction from the Department under 310 CMR 7.02(9) – federally federally enforceable emission limit which restricts ~~the potential~~ the potential emissions to below 50 tons per year; and
 - c. provided the person complies with other sections of 310 CMR 7.18(22)(h).

7.18(23) Wood Products Surface Coating

- (c) Exemptions. The requirements of 310 CMR 7.18(23)(b) do not apply to:
1. a. any person subject to 310 CMR 7.18(23)(a) who is able to demonstrate to the Department that, since January 1, 1990, the wood products surface coating line(s) have not, in total, emitted, before the application of air pollution control equipment, greater than or equal to 50 tons per year of volatile organic compounds; and
 - b. provided the person obtains and complies with a permit restriction from the Department under 310 CMR 7.02(9) – federally federally enforceable emission limit which restricts the potential emissions to below 50 tons per year; and
 - c. provided the person complies with other sections of 310 CMR 7.18(23)(i).

7.18(24) Flat wood Paneling Surface Coating

- (c) Exemptions. The requirements of 310 CMR 7.18(24)(b) do not apply to:
1. a. any person subject to 310 CMR 7.18(24)(a) who is able to demonstrate to the Department that, since January 1, 1990, the flat wood paneling surface coating line(s) have not, in total, emitted, before the application of air pollution control equipment, greater than or equal to 15 pounds per day of volatile organic compounds; and
 - b. ...
 - c. provided the person complies with other sections of 310 CMR 7.18(24)(i).

7.18(25) Offset Lithographic Printing

(c) Exemptions. The requirements of 310 CMR 7.18(25)(b) do not apply to:

1. a. any person subject to 310 CMR 7.18(25)(a) who is able to demonstrate to the Department that, since January 1, 1990, the offset lithographic presses have not, in total, emitted, before the application of air pollution control equipment, greater than or equal to 50 tons per year of volatile organic compounds; and
- b. provided the person obtains and complies with a permit restriction from the Department under 310 CMR 7.02(9) federally enforceable emission limit which restricts the potential emissions of the offset lithographic presses to below 50 tons per year; and,
- c. provided the person complies with 310 CMR 7.18(25)(k), (l), ~~(n), (o)~~ and (p).

7.18(26) Textile Finishing

(c) Exemptions. The requirements of 310 CMR 7.18(26)(b) do not apply to:

1. a. any person subject to 310 CMR 7.18(26)(a) who is able to demonstrate to the Department that, since January 1, 1990, the textile finishing facility has not emitted, before the application of air pollution control equipment, greater than or equal to 50 tons per years of volatile organic compounds; and
- b. provided the person obtains and complies with a permit restriction from the Department under 310 CMR 7.02(9) federally enforceable emission limit which restricts the potential emissions to below 50 tons per year; and,
- c. provided the person complies with 310 CMR 7.18(26)~~(f), (g) and (h)~~(i).

[] Delete 310 CMR 7.18(27) and ..[Reserve]

[] Amend Table 7.18(28)(c).

(28) Automotive Refinishing.

(c) RACT Emission Limit.

TABLE 7.18(28)(c)

RACT Emission Limitations for Automotive Refinishing Products

Coating Type	VOC Emission Limitation	
	grams/liter	lbs/gal
Pretreatment Wash Primer	780	6.5
Primer/Primer Surfacer	575	4.8
Primer Sealer	550	4.6
Topcoat	600	5.0
Three or Four-Stage Topcoat	620	5.2
<u>Multi-Colored Topcoat</u>	<u>680</u>	<u>5.7</u>
Specialty Coating	840	7.0

[] Amend 310 CMR 7.18(28)(d), (f)

(d) Labeling Requirements

1.

2.....

3. the facility owner or operator maintains, in the automotive refinishing facility, the manufacturer's written instructions for the preparation of all subject coatings.

...

(f) Good Housekeeping Requirements. In order to minimize solvent evaporation, any person subject to 310 CMR 7.18(28)(a), who owns, leases, operates, or controls an automotive refinishing facility shall:

1. use a surface preparation product containing less than or equal to 1.67 pounds of VOC per gallon of product as applied, including water, to clean non-plastic surfaces and,
2. use a surface preparation product containing less than or equal to 6.5 pounds of VOC per gallon as applied, to clean new plastic surfaces, and,
3. ensure that rags used during surface preparation or other solvent cleaning operations, fresh and spent solvent, coatings, and sludge are stored in tightly closed containers and are disposed of or recycled properly.

[] Add 310 CMR 7.18(28)(o) and (p).

(o) Exemptions.

1. The requirements of 310 CMR 7.18(28)(b) do not apply to:

a. stencil coatings.

b. coatings that are sold in nonrefillable aerosol containers.

2. The requirements of 310 CMR 7.18(28)(g) do not apply to touch-up coatings.

(p) Recordkeeping Requirements. Any person subject to 310 CMR 7.18(28)(a) must maintain purchase records of coatings and surface preparation products on a monthly basis. The purchase records must be summarized and include:

1. each coating category, coating or coating component as identified on the container,
2. the quantity of each coating, and
3. the VOC content (pounds per gallon) of each coating, after mixing according to the manufacturer's instructions. Records must be made available to representatives of the Department upon request.

[] Amend 310 CMR 7.19(3) Emission Control Plans for Implementation of RACT.

(3) Emission Control Plans for Implementation of RACT.

(a) General Applicability. Any person subject to 310 CMR 7.19(2)(b), (4), (11) or (12) ~~shall~~ shall submit an emission control plan by April 1, 1994, any person subject to 310 CMR 7.19(5), (7) or (8) shall submit an ECP by June 1, 1994 for Department approval prior to implementation of RACT, and any person subject to 310 CMR 7.19(9) shall submit an ECP by May 1, 1999 for Department approval. Any person submitting an Emission Control Plan to satisfy 310 CMR 7.08(2) is not required to submit a separate Emission Control Plan to demonstrate compliance with 310 CMR 7.19. Any person who has received a plan approval under 310 CMR 7.02(1) since January 1, 1990 is exempt from submitting an emission control plan, if that approval requires compliance with 310 CMR 7.19 for the entire facility. A plan application under 310 CMR 7.02(1) is not

required in order to implement NO_x RACT, ~~in order to implement NO_x RACT~~, except for boilers complying with the re-powering provision under 310 CMR 7.19(4)(b).

[] Amend 310 CMR 7.19(13)(a)3., 6 and 7.

(13) Testing, Monitoring, Recordkeeping, and Reporting Requirements.

(a) Applicability. Any person subject to 310 CMR 7.19(2)(b), (4), (5), (7), (8), (9), (10), (11), (12) or (14) shall comply with 310 CMR 7.19(13). If the provisions or requirements from 310 CMR 7.27(11) conflict with a provision of 310 CMR 7.19(13), the more stringent of the provisions will apply unless otherwise determined by the Department in the approved emission control plan. For any variance of a requirement under 310 CMR 7.19(13), the variance must be made federally enforceable. A variance from the requirement will be given only where it will not adversely impact the ability to monitor emissions. Regardless of the Department's determination in the emission control plan, any facility that is subject to 40 CFR Parts 60 and 75 must still comply with those requirements.

....

3. For multiple emission units complying with 310 CMR 7.19(14),

...

b. for emission unit(s) not required by 310 CMR 7.19(13)(a) to use CEMS to determine compliance, by performing an annual stack test as specified in 310 CMR 7.19(13)(c).

6. For combined cycle combustion turbines with an energy input capacity less than 100 million Btu per hour, compliance with the NO_x and CO emission standards shall be demonstrated by performing an annual stack test as specified in 310 CMR 7.19(13)(~~d~~)(c).

7. For simple cycle combustion turbines, compliance with the NO_x and CO emission standards shall be demonstrated by performing an annual stack test as specified in 310 CMR 7.19(13)(~~d~~)(c).

[] Amend 310 CMR 7.19(13)(c)

(c) Stack testing Any person required to demonstrate compliance with a NO_x emission standard contained in 310 CMR 7.19 by stack testing shall comply with 310 CR 7.19(13)(c). That person shall:

1. submit a pretest protocol for the required emission test for review and ~~written~~ Department approval at least 60 days prior to the anticipated date of testing.

[] Add place saver(s) for 310 CMR 7.20 and 7.23

[] Amend 310 CMR 7.24U Organic Material Storage and Distribution

(1) Organic Material Storage Tanks No person who owns, leases, operates or controls a storage tank with a capacity equal to or greater than 40,000 gallons, into which organic material having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, is placed, stored, or held shall store, hold or otherwise transfer the organic material in the storage tank unless:

...

(d). each of the seal(s) required by 310 CMR 7.24(1)(b)3. and 310 CMR 7.24(1)(c) meet the following requirements, where applicable:

...

7. an inspection of cover and seal for internal floating roofs is conducted whenever the tank is emptied for non operational reasons or once every ~~five years in the case of a double seal system and once every~~ ten years ~~in the case of a single seal system~~, whichever is sooner; and,

[] Amend 310 CMR 7.25 U Best Available Controls for Consumer and Commercial Products
(2) Definitions Terms used in 310 CMR 7.25 are defined at 310 CMR 7.00 Definitions or in 310 CMR 7.25. ...

CRAWLING BUG INSECTICIDE means any insecticide product that is designed for use against ants, cockroaches, or other household crawling arthropods, including, but not limited to, mites(~~but not house dust mites~~), silverfish or spiders. This category does not include products designed to be used exclusively on humans or animals. ~~For the purposes of this definition: house dust mite means a mite which feeds primarily on skin cells shed in the home by humans and pets and which belongs to the phylum Arthropoda, the subphylum Chelicerata, the class Arachnida, the subclass Acarina, the order Astigmata, and the family Pyroglyphidae.~~

[] Amend 310 CMR 7.25(9) and (10): Reserved.
(9) and (10): ~~Reserved~~RESERVED).

[] Amend 310 CMR 7.25(11)(b)1 and 2.
(11) Architectural & Industrial Maintenance Coatings
(a) Emissions Standards & Schedule. ...
(b) Emission Standards.

1. No person subject to 310 CMR 7.25(11) shall manufacture, sell, offer for sale, or apply a flat architectural ~~or industrial maintenance~~ coating with a VOC content greater than ...
2. No person subject to 310 CMR 7.25(11) shall manufacture, sell, offer for sale, or apply a non-flat architectural ~~or industrial maintenance~~ coating with a VOC content greater than ...

[] Amend 310 CMR 7.26 Industry Performance Standards
(12) Control Requirements for Dry Cleaning Systems

- (a)...
- (b) The owner or operator of any dry cleaning system and its ancillary equipment installed on or after September 22, 1993, shall comply with 310 CMR 7.26(12)(b) instead of 310 CMR 7.26(12)(a)(1) or (a)(2). However, for a system installed between September 22, 1993 and May 2, 1997, the owner or operator has until November 2, 1997 to comply with 310 CMR 7.26(12)(b) instead of 310 CMR 7.26(12)(a)(1) or (a)(2).

....

(27) Printers with Heatset Presses or Non-conforming Operations:

- (a)...
- 1....set forth in 310 CMR 7.26(24)(a)1., and applicable recordkeeping ...

(30) U Boilers – Applicability. Except as provided in 310 CMR 7.26(30)(a) and (b), the provisions of 310 CMR 7.26(30) through (37) apply to any person who owns or operates a boiler ~~constructed~~ installed on or after September 14, 2001 with a heat input rating equal to or greater than 10 million Btu per hour but less than 40 million Btu per hour.

...
(b) An owner or operator of a facility who proposes to ~~construct~~ install a wood fuel-fired boiler....

(31) Definitions.

Terms used in 310 CMR 7.26(30)-(37) are defined in 310 CMR 7.00 or in 310 CMR 7.26(31). Where a term is defined in both 310 CMR 7.00 and in 310 CMR 7.26(31), the definition in 310 CMR 7.26(31) is applicable.

DISTILLATE FUEL OIL for the purposes of 310 CMR 7.26(30) means fuel oil that complies with the specifications for fuel oil numbers 1 or 2 as defined by the American Society for Testing and Materials in ASTM D396-98, "Standard Specification for Fuel Oil" dated September 1998 and has a sulfur content not to exceed 0.05% by weight.

INSTALL or INSTALLATION as used in 310 CMR 7.26(30) means to set an emission unit in position for use. Relocation of a previously approved boiler, provided that the equipment is relocated within the facility or to a contiguous property, owned and operated by the same owner is not install or installation.

~~RED DYE DISTILLATE FUEL OIL means a distillate fuel oil that meets the requirements of 42 U.S.C. 7401 §211(i) as implemented and allowed for non-transportation purposes by 40 CFR 80.29.~~

(33) Fuel of Use/Emission Limitations.

(a) Fuel of Use.

1. Only natural gas and ~~red-dye~~ distillate fuel oil may be used, as specified in 310 CMR 7.26(33)(a)2 and 3.

2. NATURAL GAS.

a. All boilers subject to 310 CMR 7.26(30) shall burn natural gas as the primary fuel of use where the boiler is located on a property adjacent to a street or sidewalk underlain by a natural gas pipeline having sufficient pressure and capacity to supply natural gas to the boiler.

b. ~~Red-dye d~~Distillate fuel oil may be burned for a maximum of 90 days per calendar year.

3. RED DYE DISTILLATE FUEL OIL. All boilers subject to 310 CMR 7.26(30) may burn ~~red-dye~~ distillate fuel oil as the primary fuel of use when conditions for natural gas use, as specified in 310 CMR 7.26(33)(a)2, cannot reasonably be met, as determined by the Department in accordance with these regulations.

(b) Emission Limitations. Each boiler shall comply with the following emission limitations in pounds per million BTU heat input for the fuel of use.

POLLUTANT	Fuel of Use	Emission limitation (lbs. per million Btu)
Nitrogen Oxides	Natural Gas	0.0350
	Red Dye Distillate Fuel Oil	0.150
Particulate Matter	Natural Gas	0.010
	Red Dye Distillate Fuel Oil	0.020
Carbon Monoxide	Natural Gas	0.080
	Red Dye Distillate Fuel Oil	0.080
Volatile Organic Compounds	Natural Gas	0.030
	Red Dye Distillate Fuel Oil	0.030

(c) ~~The sulfur dioxide emissions are limited by the sulfur content of the fuel distillate fuel oil.~~ The sulfur content of the distillate fuel oil is limited to:-

- ~~1. Natural Gas~~ 0.0006 lbs/million Btu
- ~~2. Red Dye Distillate Fuel~~ 0.05% by weight

[] Amend 310 CMR 7.27(5)(c), and (7)(c)1., (7)(c)2., (7)(c)3., and (9)

(27) NOx Allowance Program

(5) General Provisions.

(c) Any person ... and 310 CMR 7.00: Appendix C Operating Permit and Compliance Program.

(7) Emission Control Plans and Operating Permits

(c) Approval of Emission Control Plans

1. For any person....the operating permit and compliance program under....
2. For any person....the operating permit and compliance program under....
3. For any person....the operating permit and compliance program under....

(9) Allowance Banking.

(a)

(b) All banked allowances retained in a budget unit's compliance or general account will be permanently retired on April 30, 2003, except to the extent the unit receives compliance supplement pool allowances under 310 CMR 7.28(6)~~(j)~~(i).

[] Amend 310 CMR 7.28 NOx Allowance Trading Program

(5) General Provisions

(c) Any person subject to 310 CMR 7.28 must comply with all other applicable regulations, including, but not limited to, 310 CMR 7.02: ~~Preconstruction~~ Plan Approval and Emission Limitations, 310 CMR 7.19: Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NOx), 310 CMR 7.00: Appendix A Emissions Offsets and Non-attainment Review, and 310 CMR 7.00: Appendix C Operating Permit and Compliance Program.

[] Amend 310 CMR 7.28(6)(d) Table 1

<p>PROPOSED 310 CMR 7.28(6)(d) TABLE 1 NOx Allowance Allocation, 2003 – 2005</p>

[] Amend 310 CMR 7.29(4)(b) and 7.29(5)(a).

(4) (b) ... *Offsets and Nonattainment Review*, and 310 CMR 7.00: *Appendix C Operating Permit and Compliance Program*.

(5) (a)1. ~~Nitrogen oxides emission standards.~~ Nitrogen. Nitrogen oxides emission standards

(5) (a)2. ~~Sulfur dioxide emission standards.~~ Sulfur. Sulfur dioxide emission standards

(5) (b)2. For the SO₂ emission standards in 310 CMR 7.29(5)(a)2a) 2., using SO₂ reductions at the affected facility below historical actual emissions which were made after [] ~~the date of promulgation~~ May May 11, 2001.....2001...

[] Amend 310 CMR 7.34 and 7.35: Reserved.

(7.34 and 7.35: ~~Reserved~~ RESERVED)

[] Amend 310 CMR 7.37(1) Definitions

(1) FINANCIAL as used in 310 CMR 7.37(1)(b) and 7.37(8)(a) ...

[] Amend 310 CMR 7.37(6).

(6) Addition of High Occupancy Vehicle Lanes

(a) Should the Roadway Threshold Standards as defined in 310 CMR 7.37(1)(f)...

[] Amend 310 CMR 7.38(4)(a), (b), (c), and (5).

(4) Operating Certification.

(a) ~~Except~~ Except as provided herein,set forth in 310 CMR 7.38(2)(a) ~~1-~~ through ~~3-(c)~~ and

....

(b) ~~In~~ In addition to the demonstration of compliance with the certification criteria set forth in 310 CMR 7.238(2)(a) ~~1-~~ through ~~3-(c)~~ and

...

(c) Any operating certification ... established in 310 CMR 7.38(2)(a) ~~1-~~ through ~~3-(c)~~.

[] Delete 310 CMR 7.53 in its entirety and mark (RESERVED).

Add 310 CMR 7.54. U Large Combustion Emission Units

(1) Applicability. As set forth in 310 CMR 7.02(3) and (5)(c)11, a Comprehensive Plan Application is required from any person prior to substantially reconstructing one or more large combustion emission units resulting in a major modification. The requirements of 310 CMR 7.54 shall not apply to a pollutant if the facility is located in an area designated as non-attainment under section 107 of the Act (42 U.S.C. §7407), for that pollutant. For any non-attainment pollutant, or its precursors, 310 CMR 7.00 Appendix A applies.

(2) Definitions. The definitions in 310 CMR 7.00 apply to 310 CMR 7.54. However, the following terms have the following meanings when they appear in 310 CMR 7.54. If a term is

defined both in 310 CMR 7.00 and in 310 CMR 7.54(2), the definition in 310 CMR 7.54(2) applies for purposes of 310 CMR 7.54.

(a) Large combustion emission unit (LCEU) means either:

1. an indirect heat exchanger with an energy input capacity greater than or equal to 250 million Btu per hour, or
2. a municipal waste combustor with a capacity greater than 250 tons per day of municipal solid waste.

(b) Indirect heat exchanger means combustion equipment in which the flame or the products of combustion are separated from any contact with the principal material in the process by metallic or refractory walls. It includes, but is not limited to, steam boilers, vaporizers, melting pots, heat exchangers, column reboilers, fractioning column feed preheaters, reactor feed preheaters, fuel-fired reactors such as steam hydrocarbon reformer heaters and pyrolysis heaters.

(c) Major modification means any physical change or change in the method of operation of large combustion emission unit(s) at a facility that would result in a significant net emissions increase of any pollutant subject to regulation under the Act. A physical change or change in the method of operation shall not include:

1. Routine maintenance, repair and replacement;
2. Use of an alternative fuel or raw material by a LCEU which:
 - a. The LCEU was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable condition which was established after January 6, 1975; or
 - b. The LCEU is approved to use under any permit issued under a plan approval issued under 310 CMR 7.02;
3. An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable condition which was established after January 6, 1975; or
4. Any change in ownership at a facility; or
5. The addition, replacement or use of a pollution control project at an existing LCEU, unless the Department determines that such addition, replacement, or use renders the unit less environmentally beneficial; or
6. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with all applicable requirements.

(d) Net emissions increase means the amount by which the sum of the following exceeds zero:

1. Any increase in actual emissions from a particular physical change or change in method of operation of LCEUs at the facility; and
 2. Any other increases and decreases in actual emissions of LCEUs at the facility that are contemporaneous with the particular change and are otherwise creditable.
 3. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
 - a. The date five years before construction of the particular change commences; and
 - b. The date that the increase from the particular change occurs.
 4. An increase or decrease in actual emissions is creditable only if:
 - a. the Department has not relied on it in issuing a plan approval required pursuant to 310 CMR 7.54, or a PSD (Prevention of Significant Deterioration) permit pursuant to 40 CFR 52.21 (Note: Prior to March 3, 2003 the Department issued PSD permits in Massachusetts), and
 - b. which plan approval or PSD permit is in effect when the increase in actual emissions from the particular change occurs.
 5. With respect to particulate matter, only PM-10 emissions can be used to evaluate the net emissions increase for PM-10.
 6. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
 7. A decrease in actual emissions is creditable only to the extent that:
 - a. The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - b. It is federally enforceable at and after the time that actual construction of the particular change begins; and
 - c. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
 8. An increase that results from a physical change at a facility occurs when the LCEU on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.
- (e) Potential to emit means the maximum capacity of a facility or emission unit to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or emission unit to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Fugitive emissions, to the extent

they are quantifiable, are included in determining potential to emit. Secondary emissions do not count in determining the potential to emit of a facility.

(f) Construction means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(g) Commence as applied to construction of a LCEU means that the owner or operator has all necessary plan approvals issued pursuant to 310 CMR 7.02 and either has:

1. Begun, or caused to begin, a continuous program of actual on-site construction of the LCEU, to be completed within a reasonable time; or

2. Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the LCEU to be completed within a reasonable time.

(h) Begin actual construction means, in general, initiation of physical on-site construction activities on a LCEU, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground ~~pipework~~pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site ~~activities~~activities other than preparatory activities which mark the initiation of the change.

(i) Allowable emissions means the emissions rate of a facility calculated using the maximum rated capacity of the LCEU(s) (unless the LCEU is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent emission standard, including one with a future compliance date.

(j) Actual emissions means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with 310 CMR 7.54(2)(j)1.-3.

1. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

2. For any emissions unit (other than an electric utility steam generating unit specified in 310 CMR 7.54(2)(j)3. which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

3. For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the facility owner or operator maintains and submits to the Department on an annual basis for a period of 5 years from the date the unit resumes regular operation, information

demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Department if it determines such a period to be more representative of normal facility post-change operations.

(k) Complete means, in reference to an application for a plan approval, that the application contains all of the information necessary for processing the application.

(l) Significant means, in reference to a net emissions increase, or the potential of a facility to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

1. Carbon monoxide: 100 tons per year (tpy);

2. Nitrogen oxides: 40 tpy;

3. Sulfur dioxide: 40 tpy;

4. Particulate matter:

25 tpy of particulate matter emissions;

15 tpy of PM10 emissions.

5. Ozone: 40 tpy of volatile organic compounds;

6. Lead: 0.6 tpy;

7. Fluorides: 3 tpy;

8. Sulfuric acid mist: 7 tpy;

9. Hydrogen sulfide (H₂S): 10 tpy;

10. Total reduced sulfur (including H₂S): 10 tpy;

11. Reduced sulfur compounds (including H₂S): 10 tpy;

12. Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans): 3.2×10^{-6} megagrams per year (3.5 × 10⁻⁶ tons per year). Municipal waste combustor metals (measured as particulate matter): 14 megagrams per year (15 tons per year);

13. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride): 36 megagrams per year (40 tons per year).

(m) Electric utility steam generating unit means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to

a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(n) Pollution control project means any activity or project undertaken on a LCEU for purposes of reducing emissions from such unit. Such activities or projects are limited to:

1. The installation of conventional or innovative pollution control technology, including but not limited to:

a. conventional or advanced flue gas desulfurization, sorbent injection for sulfur dioxide, nitrogen oxides or mercury controls; or

b. electrostatic precipitators or fabric filters; or

c. selective catalytic reduction or non-selective catalytic reduction for control of oxides of nitrogen.

2. An activity or project to accommodate switching to a fuel which is less polluting than the fuel in use prior to the activity or project, including, but not limited to natural gas or coal re-burning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions.

(o) Representative actual annual emissions means the average rate, in tons per year, at which the LCEU is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of a unit, (or a different consecutive two-year period within 10 years after that change, where the Department determines that such period is more representative of normal source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the Department shall:

1. Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State or Federal regulatory authorities, and compliance plans under title IV-A of the Clean Air Act (42 U.S.S.C. §7651-7651(o)); and

2. Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

[] Amend 310 CMR 7.00: Appendix A Emissions Offsets and Nonattainment Review

(6) Emission Offsets

(b) For a new major stationary source of NO_x or major modification of NO_x located in an area that is not a nonattainment area, prior to commencing operation of any emission unit(s), for which offsets are required under 310 CMR 7.00: Appendix A, ~~(e.g., oxides of nitrogen or volatile organic compounds)~~NO_x emissions offsets must actually occur and

be obtained from the same source or other sources within the Ozone Transport Region. For a new major stationary source of VOC or major modification of a VOC source located in an area that is not a non-attainment area, prior to commencing operation of any emission unit(s), for which offsets are required under 310 CMR 7.00: Appendix A, VOC emission offsets must actually occur and be obtained from the same source or other sources within the Ozone Transport Region that contributes to a violation of the NAAQS in a non-attainment area that the new source or modification will impact. For a new major stationary source or major modification located in a non-attainment area,

[] Amend 310 CMR 7.00: Appendix C Operating Permit and Compliance Program

Affected State means any state:

- (a) Whose air quality may be affected and is contiguous to Massachusetts; or
- (b) Which is located within 50 miles of a facility subject to the operating permit and compliance program in Massachusetts.

Major source means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in 310 CMR 7.00: *Appendix C* Major source(a), (b), or (c). For the purpose of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (*i.e.*, all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987. Notwithstanding the previous statement, for the purpose of determining major source under §112 of the Act, (42 U.S.C. 7412)01, §112, all hazardous air pollutants as defined under §section 112 of the Act, (42 U.S.C. 7412), shall be summed regardless of the SIC code classification of the process emitting said pollutant(s)

....

(b) A major stationary source of air pollutants, as defined in §302 of the Act, (42 U.S.C. 74602)01, § 302, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of §302(j) of the Act, (42 U.S.C. 7602(j))401, § 302(j), unless the source belongs to one of the following categories of stationary source:

- 1. Coal cleaning plants (with thermal dryers);
- 2. Kraft pulp mills;

.... or

27. All other stationary source categories regulated by a standard promulgated under §111 and §112 of the Act, (42 U.S.C. §7411 or §7412).42 U.S.C. 7401, §§ 111 or 112, but only with respect to those air pollutants that have been regulated for that category

[] Amend Appendix C(5)(b)4.

(5) General Application Requirements.

(a)....

(b) Except as provided for in 310 CMR 7.00: *Appendix C(5)(a)2.* and (5)(i), the following information must be submitted for each emission unit associated with the facility.

...

1. For ~~insignificant~~ activities proposed to be exempt pursuant to 310 CMR 7.00: *Appendix C(5)(h)*, a list describing each activity and its emissions.

[] Amend C(8)(a)3. and C(8)(c):

(C)(8) Administrative Amendments, Minor Modifications and Significant Modifications.

(a) The following changes shall require a revision to an operating permit:

...

3. A Significant Modification ~~is a~~ if the proposed permit modification that does not qualify as a minor permit modification or as an administrative amendment, or: is
 - a. ~~Causes a significant emission increase in the rate of allowable emissions of any facility emissions cap as prescribed in the approved operating permit; or~~
 - b. ~~Is a major modification under the NSPS, NESHAPS, PSD regulations, or is a modification under 42 U.S.C. 7401, Title I requiring approval under 310 CMR 7.02; or~~
 - c. ~~Is a significant change to any monitoring, reporting or recordkeeping requirements as required by any operating permit; or~~
 - d. ~~Is a relaxation of the compliance plan including a lengthening of the time that an emissions unit is in noncompliance as required by any Federal rules or regulations adopted pursuant to Massachusetts State Implementation Plan (SIP); or~~
 - e. ~~Requires a case by case determination of an emission limitation or other standard of a facility, a specific determination for a temporary facility(ies) of ambient impacts, or a visibility or increment analysis.~~

(c) Processing a significant modification. For a significant modification to an operating permit an application must be filed on forms specified by the Department and in accordance with the timelines established at 310 CMR 7.00: *Appendix C(4)*, and shall:

...

4. For significant modifications which have been reviewed and approved under 310 CMR 7.02~~(4)~~(4) or (5), the construction, substantial reconstruction, alterations or subsequent operation or modifications may commence, ~~but may not be operated,~~ after receipt of the required significant modification application by the Department. The permit shield provided under 310 CMR 7.00: *Appendix C(12)* ~~does not apply~~ applies to any changes resulting from such significant modification. ~~this action.~~

[] Amend C (9)

(c) Any facility required to install continuous emissions monitors ~~and continuous data recorders~~ (CEMs) shall:

1. Install, calibrate, operate, certify and maintain the CEM to continuously measure and continuously record the required emissions and other data as specified in the operating permit; and
2. ~~Insure that all CEMs conform to performance and siting requirements as specified in 40 CFR part 60, Appendix B and F, as applicable~~
 - (a) For facilities with emission units covered by 40 CFR Part 60, Appendices B and F and/or Part 75 according to the terms of the applicable requirements promulgated or approved by EPA for those units, insure that all CEMs for covered units conform to performance and siting requirements as specified in 40 CFR Part 60, Appendices B and F and/or Part 75; and
 - (b) For facilities with units for which DEP has made a prior determination to use the provisions of 40 CFR Part 60, Appendices B and F and/or Part 75 independent of the terms of the applicable requirements promulgated or approved by EPA for those units, DEP shall require that all CEMS for such units conform to performance and siting requirements as specified in 40 CFR Part 60, Appendices B and F and/or Part 75, unless determined otherwise by the Department under this section. Such determinations shall be made using a permit issuance, renewal, or major modification process, and shall include a notice of any necessary modifications to prior plan approvals that incorporated the terms of 40 CFR Part 60, Appendices B and F and/or Part 75 independent of the terms of the applicable requirements promulgated or approved by EPA for those units.